

Zoning Text Amendment No.: 14-02  
Concerning: Exemptions – Solar  
Panels  
Draft No. & Date: 1 – 1/10/14  
Introduced: January 28, 2014  
Public Hearing:  
Adopted:  
Effective:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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By: Councilmembers Berliner and Navarro

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- Exempt certain solar energy structures from height and setback

By amending the following sections of the Montgomery County Zoning Ordinance,  
Chapter 59 of the Montgomery County Code:

DIVISION 59-B-1. “EXEMPTIONS FROM HEIGHT CONTROLS.”  
Section 59-B-1.1. “Belfries, chimneys, etc.”  
DIVISION 59-B-3. “EXEMPTIONS FOR PROJECTIONS.”  
Section 59-B-3.1. “Steps, terraces, and porches.”

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| <p><b>EXPLANATION:</b> <i><b>Boldface</b> indicates a Heading or a defined term.</i><br/><i><u>Underlining</u> indicates text that is added to existing law by the original text amendment.</i><br/><i>[Single boldface brackets] indicate that text is deleted from existing law by original text amendment.</i><br/><i><u>Double underlining</u> indicates text that is added to the text amendment by amendment.</i><br/><i>[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.</i><br/><i>* * * indicates existing law unaffected by the text amendment.</i></p> |
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**ORDINANCE**

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance*

**Sec. 1. DIVISION 59-B-1 is amended as follows:**

Division 59-B-1. EXEMPTIONS FROM HEIGHT CONTROLS.

**Sec. 59-B-1.1. Belfries, chimneys, etc.**

The building height limits under this chapter do not apply to belfries, chimneys, cupolas, domes, flagpoles, flues, monuments, television antennae or aerials, spires, tanks, water towers, water tanks, air conditioning units, solar energy panels, or similar roof structures, and mechanical appurtenances, or, if associated with an optional method development project and where recommended in an approved urban renewal plan, rooftop architectural features, except:

- (a) Where such structures are located within an airport approach area, as designated on the zoning map; or
- (b) In the case of air conditioning units or similar roof structures and mechanical appurtenances located on buildings in the RT-6.0, RT-8.0, RT-10.0, RT-12.5 and R-30 Zones or constructed under the standard method of development procedures in the CBD-0.5, CBD-R, and CBD-1 Zones, this exemption is limited to 8 feet.

A roof structure must not have a total area greater than 25 percent of the roof area except that a larger area may be approved for buildings approved by the Planning Board under the optional method of development procedures in the central business district zones. A roof structure must not be used for any purpose other than a use incidental to the main use of the building. Exempt space must not be used for retail, general and professional offices, or similar uses.

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**Sec. 2. DIVISION 59-B-3 is amended as follows:**

Division 59-B-3. EXEMPTIONS FOR PROJECTIONS.

**Sec. 59-B-3.1. Steps, terraces, solar panels, and porches.**

- (a) Open steps and stoops, exterior stairways, terraces, and porches may extend into any minimum front or rear yard not more than 9 feet.
- (b) For side yards[;]:
- [(i)] (1) except in the case of a corner lot, open steps, stoops, exterior stairways, terraces, and porches may extend into any minimum side yard not more than 3 feet;
- [(ii)] (2) on a corner lot having a minimum side yard 25 feet or more in width, open steps, stoops, exterior stairways, terraces, and porches may extend into such minimum side yard not more than 9 feet; and
- [(iii)] (3) on a corner lot having a minimum side yard of less than 25 feet in width, there must be no encroachment on the minimum side yard.
- (c) Steps, stoops, and exterior stairways and terraces that extend into the minimum required yards may be roofed but must not be enclosed. Any roof covering steps, stoops, exterior stairways, and terraces may extend not more than 3 feet into the minimum required yard.
- (d) Roofed, but not enclosed, porches may extend into the minimum required front or rear yard not more than 9 feet, including the roof. If any portion of a roofed, but not enclosed, porch extends into the required minimum front yard, the porch and its roof may extend not more than 9 feet from the face of the building parallel to the front lot line.
- (e) Solar panels may extend 2 feet into any side or rear setback.

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**Sec. 3. Effective date.** This ordinance becomes effective 20 days after the date of Council adoption.

52 This is a correct copy of Council action.

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55 Linda M. Lauer, Clerk of the Council